

## **REMARKS**

Claims 1-84 are cancelled without prejudice or disclaimer to the subject matter contained therein. Applicants retain the right to reassert any other cancelled subject matter at a later time in a continuation, or if appropriate a divisional, application.

New claims 85 to 90 have been added.

The new claims do not add any new subject matter within the meaning of the 35 USC §132, and therefore entry of the amendments is respectfully requested.

### **1. Allowable Subject Matter and Interview**

Applicants respectfully thank the Examiner for her continued efforts in this application and for the highly informative interview of October 14, 2009. To this end, Applicants submit that the claims have been amended as discussed in the interview, i.e., they are now directed to a combination of both phytosphingosine and forskilin or plant abstracts containing forskilin with amounts of both agents is now clearly recited.

Applicants respectfully request that these claims be considered for allowance.

### **2. Claim Rejections under 35 USC §112**

Claims 31-35, 40-44 and 84 were rejected under 35 USC §112, first paragraph based on enablement.

Applicants submit that new claims 85-90 remove the basis for this rejection. Specifically, new claims 85-90 state that the lipolytic agent is selected from forskolin and a plant extract containing said forskolin in combination with phytosphingosine, which was agreed at the interview as being enabled.

In view of this, this application is now believed to be in condition for allowance and issuance of a notice of allowance is respectfully solicited.

## CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

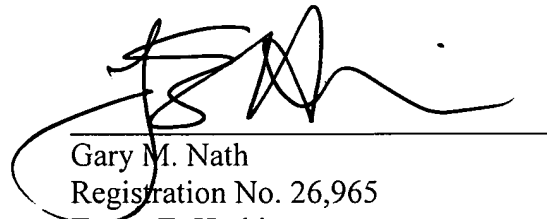
Respectfully submitted,

**THE NATH LAW GROUP**

Date: October 28, 2009

**THE NATH LAW GROUP**

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A handwritten signature in black ink, appearing to be "GM Nath", written over a horizontal line.

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